



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

U. Amin

Serial No.: 09/467,712

Filed: December 20, 1999

For:

**SYSTEM AND METHOD FOR AUTOMATICALLY TRANSFERRING A CALL
FROM A FIRST TELEPHONE TO A DESIGNATED TELEPHONE IN CLOSE
PROXIMITY**

Group No.: 2683

Examiner: C. Tran

Docket No. 493.US

CERTIFICATION UNDER 37 CFR § 1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date May 17, 2004, in an envelope addressed to: Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450

May 17, 2004
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Sir:

APPLICANTS' BRIEF ON APPEAL

In response to the Final Action mailed January 13, 2004, and in view of the Notice of Appeal mailed on March 17, 2004, the applicants submit this Brief on Appeal.

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REAL PARTY IN INTEREST

The real party in interest is AT&T WIRELESS SERVICES, INC.

RELATED APPEALS

There are no related appeals.

STATUS OF THE CLAIMS

Claims 1-3, 5, 9-14, 16, 17, 19, 21, 23-26, 28-31, 34, 36-38, 43, 48, 50-53, 55-57, and 59-62 are all finally rejected in the Final Action mailed January 13, 2004.

In the Final Action, claims 4,6-8, 15, 18, 20, 22, 27, 32, 33, 35, 39-42, 44-47, 49, 54, and 58 are objected to for depending upon a rejected base claim, but would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

STATUS OF AMENDMENTS

A Request for Reconsideration submitted by first class mail on October 14, 2003 has been entered.

SUMMARY OF THE INVENTION

The invention concerns the automatic transfer of telephone calls from a first telephone to a second telephone in close proximity to the first telephone. Thus positioning or moving the first telephone near the second telephone to place it in proximity to the second telephone will result in the transfer of calls intended for the first telephone to the to the second telephone and the receipt of the calls on the second telephone.

As stated in the specification at page 2, lines 18-23, "proximity" is used broadly to denote that the telephones are near or adjacent to each other or occupy intersecting areas or volumes. Either or both of the telephones may be moving. Proximity is determined by means such as GPS receivers, position triangulation using network elements, wireless transceivers, and other equivalent devices. See the specification at page 3, lines 1-14.

According to the specification at page 3, lines 15-29, proximity data is collected and logic uses the proximity data to decide whether to make the transfer. Data collection and decisional logic may be in either or both telephones or in some combination of the telephones and network elements.

ISSUES

The issues are:

whether claims 1, 19, 23, 26, 28, 30, 38, 43, 50, 52, 53, 55, 57, 59, and 60 are unpatentable under 35 U.S.C. 102(b) for being anticipated by U.S. Patent 4,757,267 ("Riskin");

whether claims 2, 3, 34, 36, 61, and 62 are unpatentable under 35 U.S.C. 103 for being obvious over Riskin in view of US Patent No. 6,144,318 ("Hayashi");

whether claims 5, 9, 10, 16 and 37 are unpatentable under 35 U.S.C. 103 for being obvious over Riskin in view of Hayashi and US Patent 5,745,850 ("Aldermeshian");

whether claims 11-13 and 31 are unpatentable under 35 U.S.C. 103 for being obvious over Riskin in view of US Patent 5,928,325 ("Shaughnessy");

whether claims 14, 17, 21, 48, and 51 are unpatentable under 35 U.S.C. 103 for being obvious over Riskin; and

whether claims 24, 25, 29, and 56 are unpatentable under 35 U.S.C. 103 for being obvious over Riskin in view of US Patent 56,236,868 ("Lygas").

GROUPING OF CLAIMS

Claims 1, 19, 23, 26, 28, 55, 57, 59, and 60 stand or fall together.

Claims 30, 38, 43, 50, 52, and 53 stand or fall together.

Claims 2, 3, 34, 36, 61, and 62 stand or fall together.

Claims 5, 9, 10, 16 and 37 stand or fall together.

Claims 11-13 and 31 stand or fall together.

Claims 14, 17, 21, 48, and 51 stand or fall together.

Claims 24, 25, 29, and 56 stand or fall together.

ARGUMENT

Claims 1, 19, 23, 26, 28, 30, 38, 43, 50, 52, 53, 55, 57, 59, and 60.

These claims are rejected for anticipation by US Patent 4,757,267 ("Riskin"). That rejection has been respectfully traversed for the following reasons.

The *prima facie* elements of anticipation have been set forth in this file history. The Riskin reference fails to comply with those elements. In the discussion following, all italics are for emphasis.

Riskin describes a telephone system in which a customer telephones an 800 number, identifying goods of interest to the customer, and the system identifies the telephone numbers of one or more dealers of those goods nearby the customer. The system then "automatically connects" the customer to one of the nearby dealers. See Riskin's Abstract.

More specifically, with reference to Riskin's SUMMARY at column 2, line 61 through column 4, line 43, the telephone system receives a call from a customer (column 2, lines 61, 62,), acquires information regarding a product of interest to the customer (column 2, lines 64, 65), and, using the first six digits of the customer's telephone number, determines the customer's location with a V-H file (column 2, line 66-column 3, line 2). Next, the system searches a dealer database to find the telephone number of at least one dealer selling the product of interest who is nearest the customer, based upon V-H file co-ordinates (column 3, lines 60-65). Having selected a nearest dealer, the system dials the dealer and "cross-connects" the customer to the dealer (column 4, lines 5-10). Riskin's system is therefore a "call-routing" system that takes a call from a first telephone (the customer's telephone), routes the call to a second telephone (the dealer's telephone) based on product and proximity criteria, and completes the customer's call by connecting the first telephone to the second telephone. The customer can then speak through the first telephone to the dealer at the second telephone. This is different than the invention described in this application and set forth in the rejected claims.

In the rejected claims, a telephone call is *transferred* from a first telephone to a second telephone based on proximity of the telephones. In this regard, the *transfer* from the first to the second telephone accomplishes a result corresponding to call forwarding, although by novel means. See the specification at page 1, line 10 through page 2, line 9. In this application and the rejected claims, the telephone call is *not* routed from the first telephone to the second telephone and then connected to the second telephone so that a telephone call can be conducted between the first and second telephones. Once the call is transferred, the telephone from which the call is transferred is not in the call.

With respect to claims 1, 19, 23, 26, 28, 55, 57, 59, and 60, claim 1 is representative. In claim 1, a method for *transferring* telephone calls determines the proximity of a first telephone to a second telephone. The method then initiates "the transfer of calls from the first telephone to the second telephone in response to the proximity", and then acts to receive the calls on the second telephone. Riskin *routes* telephone calls from a first telephone to a second telephone but, for the reasons given above, omits the acts of "initiating the transfer of calls" and "receiving the calls".

Claims 55 and 57 depend from claim 30 and therefore include the elements and limitations of claim 30 which embrace "a call transfer mechanism for transferring telephone calls from the first telephone to the second telephone in response to proximity of the first telephone to the second telephone." For the reasons given above, Riskin omits a mechanism "for transferring telephone calls" from a first to a second telephone.

Claim 59 sets forth a call transfer mechanism that includes a means for determining proximity between a first and second telephone and a means "for transferring telephone calls directed to the first telephone to the second telephone in response to the determination of proximity." For the reasons given above, Riskin omits a means "for transferring telephone calls" from a first to a second telephone in response to proximity.

Claim 60 sets forth a call transfer mechanism that includes a means for determining a distance between a first and second telephone and a means "for transferring telephone calls directed to the first telephone to the second telephone in response to the determination of a distance." For the reasons given above, Riskin omits a means "for transferring telephone calls" from a first to a second telephone in response to a distance between the first and second telephones.

In response to these arguments, the Examiner stated in the Final Action:

"In Riskin's system, the computer initially routes the call to a specific customer dealer service company in the general vicinity of the potential customer. *It is obvious* that the computer initiating the transfer of calls from the first telephone and of course it will be received by the second telephone (see abstract) for reasons given above." Final Action, page 2, second paragraph. (Applicants' emphasis).

The basis of the rejection is anticipation, not obviousness. Riskin describes call routing which, for reasons given above, is not "transferring" according to these claims. Riskin therefore omits "initiating the transfer of calls from the first telephone to the second telephone in response to the proximity." There is no evidence in the file that transferring a call for a first telephone to a

second telephone in proximity to the first telephone is inherent in call-routing according to Riskin. Accordingly, Riskin does not anticipate these claims.

With respect to claims 30, 38, 43, 50, 52, and 53, claim 30 is representative. In claim 30, a system for *transferring* telephone calls in a communications network includes first and second telephones connected to the network and “a call transfer mechanism for transferring telephone calls from the first telephone to the second telephone in response to proximity of the first telephone to the second telephone.” Riskin includes a mechanism to *route* telephone calls from a first telephone to a second telephone but, for the reasons given above, omits a mechanism “for transferring telephone calls from the first telephone to the second telephone” in response to their proximity.

In response to these arguments, the Examiner stated in the Final Action:

“In Riskin’s system, the computer initially routes the call to a specific customer dealer service company in the general vicinity of the potential customer. *It is obvious* that the computer initiating the transfer of calls from the first telephone and of course it will be received by the second telephone (see abstract) for reasons given above.” Final Action, page 2, third paragraph. (Applicants’ emphasis).

The basis of the rejection is anticipation, not obviousness. Riskin describes call routing which, for reasons given above, is not “transferring” according to these claims. Riskin therefore omits “initiating the transfer of calls from the first telephone to the second telephone in response to the proximity.” There is no evidence in the file that transferring a call for a first telephone to a second telephone in proximity to the first telephone is inherent in call-routing according to Riskin. Accordingly, Riskin does not anticipate these claims.

Claims 2, 3, 34, 36, 61, and 62

These claims are rejected for obviousness over Riskin in view of US Patent No. 6,144,318 (“Hayashi”). That rejection has been respectfully traversed for the following reasons, without any response in the Final Action.

The *prima facie* elements of obviousness have been set forth in this file history. The combination of Riskin and Hayashi fails to comply with those elements. In the discussion following, all italics are for emphasis.

The contention is, first, that “Riskin discloses all the subject matter described in rejected claims 1 and 30” except for the first telephone including a wireless receiver. This is beside the point with respect to claims 61 and 62 which do not depend on either of claims 1 and 30. The applicants respectfully traverse this conclusion with respect to claims 2, 3 34 and 36 for the

reasons given above: Riskin discloses routing, not transferring calls from a first to a second telephone. Further, Riskin's disclosure depends for distance calculation on a V-H file and a "complex transformation of longitude and latitude" to compute long distance telephone calls. Riskin says that the described "invention uses the V-H coordinate system to refer a caller to a dealer." See Riskin at column 3, lines 8-13. Since the V-H system relies upon the first six digits of a caller's telephone number to determine the caller's location, it appears to be a static system not adapted or adaptable for use with mobile telephones which can be any where and whose first six digits probably don't indicate the telephone's location. It is further contended that Hayashi discloses "a navigation system that uses position of a mobile unit to make call management decisions comprising a telephone includes a wireless location receiver, and in determining the proximity of the first to the second telephone using wireless location receiver data (see fig. 1, element 2, col. 4, lines 44-48)." The applicants respectfully disagree with this characterization of Hayashi. Hayashi discloses a navigation system that provides road guidance by means of a structure-shape map. Hayashi's system includes a present-position sensing unit 2 that includes "a data transceiver 23 for receiving a GPS correction signal utilizing a cellular phone or a FM multiplex signal...". See Hayashi at column 4, lines 46-48. The only role of the cellular phone is to act as a data transceiver receiving GPS information; there is no other telephone described; and, there is nothing in this passage to the effect that the present-position sensing unit 2 makes "call management decisions" or determines "the proximity of the first to the second telephone using wireless location receiver data". The applicants have timely requested that citation be given to specific passages in Hayashi where these references occur. Alternatively, if the opinion is that certain passages of Hayashi suggest these acts, then the applicants have timely requested an affidavit, Official Notice, or citation of a reference supporting such suggestion. There was no response to either of these requests in the Final Action. Thus, it is submitted that the proposed combination fails to meet the requirements for *prima facie* obviousness with respect to claims 2 and 34. As to claims 3 and 36, a call is transferred from the first telephone. No call is "transferred" in Riskin. In Hayashi, the "cellular phone" receives a GPS correction signal; no call is described as being received or sent in Hayashi's cellular phone. Thus, the proposed combination fails to meet the requirements for *prima facie* obviousness with respect to claims 3 and 36.

Claim 61 sets forth a call transfer mechanism that includes a means for receiving an indication of proximity between a first and second telephone and a means "for transferring telephone calls directed to the first telephone to the second telephone in response to the indication of proximity." For the reasons given above, Riskin omits a means "for transferring

telephone calls” from a first to a second telephone in response to an “indication of proximity” between the two telephones. Hayashi does not satisfy this omission. For this reason and for the reasons given above, the proposed combination therefore fails to meet the requirements for *prima facie* obviousness.

Claim 62 sets forth a call transfer mechanism that includes a means for receiving an indication of distance between a first and second telephone and a means “for transferring telephone calls directed to the first telephone to the second telephone in response to the indication of distance.” For the reasons given above, Riskin omits a means “for transferring telephone calls” from a first to a second telephone in response to an “indication of distance” between the two telephones. Hayashi does not satisfy this omission. For this reason and for the reasons given above, the proposed combination therefore fails to meet the requirements for *prima facie* obviousness.

Claims 5, 9, 10, 16 and 37

These claims are rejected for obviousness over Riskin in view of Hayashi and US Patent 5,745,850 (“Aldermeshian”). That rejection has been respectfully traversed for the following reasons, without any response in the Final Action.

The contention is, first, that “Riskin discloses all the subject matter described in rejected claims 1 and 30” except for the first telephone collecting positional data ...”. The applicants respectfully traverse this conclusion for the reasons given above, among which are that Riskin discloses routing, not transferring calls from a first to a second telephone. It is further contended that Aldermeshian discloses “determining includes the first telephone collecting positional data to determine its proximity to the second telephone (see fig. 6, elements 610, 603, 613, see col. 13, lines 7-50).” The applicants respectfully disagree with this characterization of Aldermeshian. Aldermeshian describes a system in which one mobile device can “impersonate” another mobile device. This is done by having the impersonating mobile device take over the identification of the impersonating mobile device. The impersonated device then becomes dormant and the impersonating device becomes active. The telephone system then directs calls to the impersonating device without first directing them to the dormant impersonated device. In the embodiment described at column 13, lines 7-50, impersonation is triggered by proximity of one device to another. However, impersonation means that the impersonating device will receive the calls directed to the impersonated device. There is no disclosure or suggestion that the calls will go to the impersonated device and then be transferred to the impersonating device. Indeed, the suggestion is that no transfer or even rerouting will take place; the impersonating device will

simply act as and in place of the dormant impersonated device. If the opinion is that certain passages of Aldermeshian suggest the missing acts, then the applicants have timely requested an affidavit, Official Notice, or citation of a reference supporting such suggestion. There was no response to this request in the Final Action. Thus, it is submitted that the proposed combination fails to meet the requirements for *prima facie* obviousness with respect to claims 5, 9, 16, and 37.

Claims 11-13 and 31

These claims have been rejected for obviousness over Riskin in view of US Patent 5,928,325 ("Shaughnessy"). That rejection has been respectfully traversed for the following reasons, without any response in the Final Action.

The contention is, first, that "Riskin discloses all the subject matter described in rejected claims 1 and 30 except for the communication network including a position node (PN), mobile switching center, and a base station. The applicants respectfully traverse this conclusion with respect to claims for the reasons given above, among which are that Riskin discloses routing, not transferring calls from a first to a second telephone. The further contention is that Shaughnessy teaches "determining" in terms of a positioning node tracking proximity of a mobile and "initiating" an MSC paging telephone; reference is made to Shaughnessy in the Abstract, in FIG. 1, at column 2, lines 22-46 and at column 1, lines 62-67. The applicants respectfully disagree with this characterization. In fact, none of those cited locations teaches or suggests a "PN", an "MSC", or a "base station". The applicants have timely requested that citation be given to specific passages in Shaughnessy where these references occur. Alternatively, if the opinion is that certain passages of Shaughnessy suggest these elements, then the applicants have timely requested an affidavit, Official Notice, or citation of a reference supporting such suggestion. There was no response to either of these requests in the Final Action. Thus, it is submitted that the proposed combination fails to meet the requirements for *prima facie* obviousness with respect to claims 11-13 and 31.

Claims 14, 17, 21, 48, and 51

These claims are rejected for obviousness over Riskin. That rejection has been respectfully traversed for the following reasons, without any response in the Final Action.

The contention is, first, that "Riskin discloses all the subject matter described in rejected claims 1, 19, 30 and 43 except for using a star feature code, private code." The applicants respectfully traverse this conclusion with respect to claims for the reasons given above, among

which are that Riskin discloses routing, not transferring calls from a first to a second telephone. It is admitted that Riskin does not teach a star feature code or a private code but that use of those elements with Riskin would be obvious to the skilled artisan. The applicants disagree and have timely requested an affidavit, Official Notice, or citation of a reference supporting such suggestion. See MPEP § 2144.03. There was no response to this request in the Final Action. Thus, it is submitted that the proposed modification of Riskin fails to meet the requirements for *prima facie* obviousness with respect to claims 14, 17, 21, 48, and 51.

Claims 24, 25, 29, 56

These claims are rejected for obviousness over Riskin in view of US Patent 56,236,868 ("Lygas"). That rejection has been respectfully traversed for the following reasons, without any response in the Final Action.

The contention is, first, that "Riskin discloses all the subject matter described in rejected claims 1 except the telephone is an automobile mounted wireless telephone." The applicants have timely traversed this conclusion with respect to claims for the reasons given above, among which are that Riskin discloses routing, not transferring calls from a first to a second telephone. Lygas does not rectify this omission. Accordingly, the proposed combination fails to meet the *prima facie* requirements of obviousness with respect to claims 24, 25, 29, and 56.

In view of the remarks made in this paper, it is submitted that all of the claims define subject matter that is patentably distinct from the references of record. Accordingly, the Board is respectfully requested to instruct the Examiner to indicate allowance of these claims.

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APPENDIX

1. (Original) In a communications network connecting telephones, a method for transferring telephone calls comprising the steps of:
 - determining the proximity of a first telephone to a second telephone;
 - initiating the transfer of calls from the first telephone to the second telephone in response to the proximity; and
 - receiving the calls on the second telephone.
2. (Original) The method of claim 1 wherein the first telephone includes a wireless location receiver, and in determining includes determining the proximity of the first telephone to the second telephone using wireless location receiver data.
3. (Original) The method of claim 2 in which the wireless location receiver is selected from the group consisting of global positioning satellite (GPS) and short-range positioning beacon receiver.
4. (Original) The method of claim 3 wherein the communications network includes a positioning node (PN) and in which determining includes the PN collecting positional data to track the proximity of the first telephone to the second telephone.
5. (Original) The method of claim 3 in which the first telephone having a wireless location receiver, and in which determining includes the first telephone collecting positional data to determine its proximity to the second telephone.
6. (Original) The method of claim 2 wherein the communication network includes a plurality of base stations and in which determining includes determining the proximity of the first telephone to the second telephone through time-of-arrival measurements made on communications received by the base stations from the first telephone.
7. (Original) The method of claim 6 in which determining includes the time-of-arrival proximity tracking being performed by the first telephone, in response to measurements made by the base stations.

8. (Original) The method of claim 6 wherein the communications network includes a positioning node (PN) and in which determining includes the PN performing time-of-arrival calculations, in response to measurements made by the base station.

9. (Original) The method of 2 wherein the first and second telephones include short-range transceivers, and in which determining includes collecting positional data for tracking the proximity of the first telephone to the second telephone through communications between the first and second telephones using the short-range transceivers.

10. (Original) The method of claim 9 in which determining includes the short-range transceivers being selected from the group consisting of Bluetooth, infra-red, Home RF, wireless LAN, and radio transceivers.

11. (Original) The method of claim 1 wherein the communications network includes a PN, mobile switching center (MSC), and a base station, in which determining includes the PN tracking the proximity of the first telephone to the second telephone, and in initiating includes the MSC paging the first telephone.

12. (Original) The method of claim 11 in which initiating includes the first telephone acknowledging the page, and the MSC automatically initiating the call transfer.

13. (Original) The method of claim 11 in which initiating includes the first telephone acknowledging the MSC page, and the first telephone initiating the call transfer.

14. (Original) The method of claim 1 in which determining includes the first telephone determining the proximity of itself to the second telephone, and in which initiating includes the first telephone initiating the call transfer using a star feature code.

15. (Original) The method of claim 1 wherein the communications network includes (SIM) cards to identify the user of a telephone, and in which initiating includes initiating the call transfer by moving a SIM card from the first telephone to the second telephone, and in which receiving includes transferring a preexisting call from the first telephone to the second telephone.

16. (Original) The method of claim 1 wherein the second telephone is selectably enabled, in which initiating includes initiating the call transfer through enabling the second telephone, and in which determining includes determining the proximity of the first telephone to the second telephone after enablement of the second telephone.

17. (Original) The method of claim 1 including a further step, following receiving; nullifying the received call.

18. (Original) The method of claim 17 wherein the first and second telephones have power supplies, and in which nullifying includes nullifying the call transfer in response to a one or more conditions selected from the group consisting of:

- 1) the elapse of a predetermined amount of time;
- 2) the termination of a call;
- 3) the power supply status of the second telephone;
- 4) the power supply status of the first telephone;
- 5) the radio frequency (RF) coverage enjoyed by the second telephone; and
- 6) the RF coverage enjoyed by the first telephone.

19. (Original) The method of claim 1 including authorizing the call transfer prior to receiving.

20. (Original) The method of claim 19 wherein each telephone has a non-transferable identification number, and the communications network includes an identification number cross-referenced database of permitted call transfers, and in which authorizing includes authorizing a call transfer in response checking whether the identification number of the first telephone is cross referenced to the identification number of the second telephone.

21. (Original) The method of claim 19 wherein the first telephone has a user interface, in which authorizing includes entering a private code into the first telephone user interface to authorize the call transfer.

22. (Original) The method of claim 19 wherein the first and second telephones have power supplies, in which authorizing includes authorizing the call transfer in response to one or more conditions selected from the group consisting of:

- 1) the status of the second telephone power supply;
- 2) the status of the first telephone power supply;
- 3) the RF coverage of the second telephone;
- 4) the RF coverage of the first telephone; and
- 5) the wireless cellular capacity.

23. (Original) The method of claim 19 wherein the first telephone includes a presentation mechanism, and in which authorization includes presenting the results of the call transfer authorization process to the user of the first telephone.

24. (Original) The method of claim 1 wherein the first telephone is a wireless telephone and the second telephone is a automobile mounted wireless telephone, in which determining includes determining that the proximity of the portable telephone to the auto-mounted telephone meets a predetermined threshold.

25. (Original) The method of claim 24 wherein the portable telephone includes an embedded wireless location receiver, wherein the auto-mounted telephone includes a port to accept positional data, wherein the automobile includes a wireless location receiver with a port to provide position location data, and in which determining includes the portable telephone collecting positioning data through the embedded wireless location receiver and the auto-mounted telephone accepting position location data from the port of the auto-mounted wireless location receiver.

26. (Original) The method of claim 1 wherein the first telephone is a portable mobile telephone and the second telephone has a predetermined fixed position, in which determining includes determining that the proximity of the portable telephone to the fixed position of the second telephone.

27. (Original) The method of claim 1 wherein a plurality of wireless telephones are provided, in which determining includes determining the proximity of the plurality of wireless telephones to the first telephone, and including, preceding initiating:

establishing a call transfer priority among the plurality of mobile telephones; and

in which initiating includes initiating the call transfer to the wireless telephone among the plurality of wireless telephones with the highest call transfer priority.

28. (Original) The method of claim 1 wherein the first telephone has a predetermined fixed position and the second telephone is a wireless telephone, in which determining includes determining that the proximity of the portable telephone to the fixed position of the first telephone.

29. (Original) The method of claim 1 wherein the second telephone is a portable mobile telephone and the first telephone is an automobile mounted wireless telephone, in which determining includes determining that the proximity of the portable telephone to the automobile mounted telephone meets a predetermined threshold.

30. (Original) In a communications network connecting telephones, a system for transferring telephone calls comprising:

a first telephone connected to the communications network;

a second telephone connected to the communications network; and

a call transfer mechanism for transferring telephone calls from the first telephone to the second telephone in response to proximity of the first telephone to the second telephone.

31. (Original) A system as in claim 30 further comprising:

the communications network including a network positioning node (PN) having a port to the communications network to receive information regarding the positions of said first and second telephones, said PN analyzing the position information and performing a proximity determination.

32. (Original) The system of claim 31 in which said first telephone is a wireless telephone, wherein:

the communications network includes a plurality of base stations connected to said first telephone through a wireless communications link, said plurality of base stations timing the arrival of communications from said first telephone and supplying time-of-arrival data through an operative connection to said PN; and

in which said PN performs the proximity determination using the time-of-arrival data.

33. (Original) The system of claim 31 in which said first telephone is a wireless telephone with a wireless location receiver selected from the group consisting of global positioning satellite (GPS) and short-range positioning beacon receivers;

in which said first telephone supplies wireless receiver location data to said PN; and

in which said PN perform the proximity determination in response the received wireless location data.

34. (Original) The system of claim 30 in which said first telephone collects information regarding the position of itself with respect to said second telephone, and in which said first telephone performs the proximity determination based on the collected position information.

35. (Original) The system of claim 34 in which said first telephone is a wireless telephone, wherein:

the communications network includes a plurality of base stations connected to said first telephone through a wireless band communications link, said plurality of base stations timing the arrival of communications from said first telephone and supplying the time-of-arrival data as position information to said first telephone; and

in which said first telephone performs the proximity determination with the time-of-arrival data.

36. (Original) The system of claim 34 in which said first telephone is a wireless telephone, said first telephone further including a wireless location receiver selected from the group consisting of global positioning satellite (GPS) systems and short-range positioning beacon receivers; and

in which said first telephone performs the proximity determination in response to the location data from said wireless receiver.

37. (Original) The system of claim 34 in which said first and second telephones each further include a short-range transceiver selected from the group consisting of Bluetooth, infrared, Home RF, wireless LAN, a wireless radio transceivers; and

in which said first telephone performs the proximity determination in response to short-range transceiver communications between said first and second telephones.

38. (Original) The system of claim 30 further comprising:

the communications network includes a mobile switching center (MSC) to accept the proximity determination, said MSC initiating a call transfer from said second telephone, to said first telephone, in response to the proximity determination.

39. (Original) The system of claim 38 in which said first and second telephones are wireless telephones having power supplies, said first and second telephones reporting the condition of said power supplies to the communications network;

in which said MSC receives reports on the condition of said first and second telephone power supplies, and in which said MSC includes means to nullify the call transfer, from said second to said first telephone, in response to one or more conditions selected from the group consisting of said first telephone power supply condition, said second telephone power supply condition, the elapse of time since the call transfer was completed, the termination of a transferred call to said first telephone, and radio frequency (RF) coverage of said first and second telephones.

40. (Original) The system of claim 38 in which said first and second telephones have non-transferable identification numbers, wherein:

the communications network includes a database of cross-referenced identification numbers to provide cross-referencing reports;

and in which said MSC accepts cross-referenced identification numbers from said database, said MSC including means to authorize the initiation of the call transfer in response to the cross-referencing reports.

41. (Original) The system of claim 40 wherein:

the communications network includes a network node server; and

in which said identification number database is housed in elements selected from the group consisting of said first telephone, said second telephone, and said network node server.

42. (Original) The system of claim 38 in which said first and second telephones are wireless telephones having power supplies, said first and second telephone including means for reporting the status of said power supplies to the network; and

in which said MSC includes means for authorizing the initiation of the call transfer in response to one or more conditions selected from the group consisting of the condition of said first telephone power supply status, said second telephone power supply status, the capacity of the wireless cellular, the RF coverage enjoyed by said first telephone, and the RF coverage enjoyed by said second wireless telephone.

43. (Original) The system of claim 30 in which said first telephone further includes a logic module to accept the proximity determination, said first telephone logic module initiating a call transfer from said second telephone to said first telephone in response to the proximity determination.

44. (Original) The system of claim 43 in which said first and second telephones are wireless telephones having power supplies, said first and second telephones including means for monitoring the condition of said power supplies;

in which said first telephone includes means to nullify the call transfer, from said second to said first telephone, in response to one or more conditions selected from the group consisting of said first telephone power supply condition, said second telephone power supply condition, the elapse of time since the call transfer was completed, the termination of a transferred call to said first telephone, the RF coverage enjoyed by said first telephone, and the RF coverage enjoyed by said second telephone.

45. (Original) The system of claim 43 in which said first and second telephones have non-transferable identification numbers, wherein:

the communications network including a database of cross-referenced identification numbers to provide cross-referencing reports; and

in which said first telephone accepts cross-referenced identification numbers from said database, said first telephone includes means for authorizing the initiation of the call transfer in response to the cross-referencing reports.

46. (Original) The system of claim 45, in which the communications network includes a network node server; and in which said identification number database is housed in elements selected from the group consisting of said first telephone, said second telephone, and said network node server.

47. (Original) The system of claim 43 in which said first and second telephones are wireless telephones having power supplies, said first and second telephones including means for monitoring the status of said power supplies, said first telephone including means for authorizing the initiation of the call transfer in response to one or more conditions selected from the group consisting of the condition of said first telephone power supply, the condition of said second telephone power supply, the RF coverage enjoyed by said first telephone, the RF coverage enjoyed by said second telephone, and the capacity of the wireless cellular.

48. (Original) The system of claim 43 in which said first telephone, following the proximity determination, initiates the call transfer by registering a star feature code with the network.

49. (Original) The system of claim 43 wherein:
the communications network includes a SIM card to identify the user of a telephone;
and

in which said first telephone includes means to initiate the call in response to transfer of the SIM card, from said second telephone, to said first telephone.

50. (Original) The system of claim 43 in which said first telephone includes a switch to selectably enable said first telephone, and in which said first telephone includes means for initiating the call transfer in response to enabling said switch.

51. (Original) The system as in claim 43 in which said first telephone includes means for authorizing the initiation of the call transfer by registering a private code with the network.

52. (Original) The system of claim 30 in which said first telephone includes a presentation mechanism; and

in which said presentation mechanism presents the results of the call initiation process to the user of the telephone.

53. (Original) The system of claim 30 further comprising:
a mobile platform;
in which said first telephone is a wireless telephone mounted on said mobile platform;
and

in which said second telephone is a portable wireless telephone.

54. (Original) The system of claim 53 in which said mobile platform includes a wireless location receiver having an output port to supply position data;

in which said first telephone has a port connected to said mobile platform wireless location receiver port to accept the position data from said automobile wireless location receiver;
and

in which said second telephone includes a wireless location receiver.

55. (Original) The system of claim 30 in which said first telephone is a portable wireless telephone; and

in which said second telephone has a predetermined fixed location.

56. (Original) The system of claim 30 further comprising:

a mobile platform;

in which said second telephone is a wireless telephone mounted on said mobile platform; and

in which said first telephone is a portable wireless telephone.

57. (Original) The system of claim 30 in which said second telephone is a portable wireless telephone; and

in which said first telephone has a predetermined fixed location.

58. (Original) The system of claim 30 further comprising:

a plurality of telephones each having a proximity to said second telephone;

a database including a hierarchical transfer priority established between said plurality of telephones; and

in which a call transfer is initiated to a telephone, among said plurality of telephones, with the higher transfer priority.

59. (Previously presented) In a communications network connecting telephones, a call transfer mechanism comprising:

means for determining proximity of a first telephone connected to the communications network to a second telephone connected to the communications network; and

means for transferring telephone calls directed to the first telephone to the second telephone in response to the determination of proximity.

60. (Previously presented) In a communications network connecting telephones, a call transfer mechanism comprising:

means for determining a distance between a first telephone connected to the communications network and a second telephone connected to the communications network; and

means for transferring telephone calls directed to the first telephone to the second telephone in response to the determination of a distance.

61. (Previously presented) In a communications network connecting telephones, a call transfer mechanism comprising:

means for receiving an indication of proximity of a first telephone connected to the communications network to a second telephone connected to the communications network; and

means for transferring telephone calls directed to the first telephone to the second telephone in response to the indication of proximity.

62. (Previously presented) In a communications network connecting telephones, a call transfer mechanism comprising:

means for receiving an indication of distance between a first telephone connected to the communications network and a second telephone connected to the communications network; and

means for transferring telephone calls directed to the first telephone to the second telephone in response to the indication of distance.